उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.A-NO-16/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA, J

APPELLANT Morla Samiya Son Of Muttaiya aged 42 Years, R/o Village Gotaiguda, Nayapara, P.S. Bhopalpattanam, Distt. Dantewada (C.G.)

Vs.

RESPONDENT State of Chhattisgarh, through P.S. Bhopalpattanam, Distt. Dantewada (C.G.)

9-8-2007

Shri Y. V. Ramanrao, Advocate for the appellant.

Shri Neeraj Mehta, Panel Lawyer for the State.

This appeal is directed against the judgment of conviction and order of sentence dated 16th December, 2005 passed in S.T. 3/2004 whereby learned Additional Sessions Judge, South Bastar, Dantewada has convicted the appellant under Sections 323 and 326 of I.P.C. and sentenced him to undergo R.I. for three months and R.I. for three years respectively.

Learned counsel for the appellant submits that he does not press this appeal against conviction. However, it is contended that the appellant has already undergone jail sentence of more than two years and four months and the incident occurred in a spur of moment in relation to money transaction between the parties, the Court below ought to have considered sympathetically while imposing the sentence.

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr-A-No. 16/2006 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

On the other hand, learned counsel for the State has opposed the above prayer.

I have heard the learned counsel for the appellant.

Considering the statement of Dr. Govind Singh (P.W. 3), it appears that the injured was admitted in the hospital on 13-1-1998 and he left the hospital on 15-1-1998 just after two days without information to the hospital administration and also considering that the appellant has undergone the jail sentence of two years and 4 months out of the total jail sentence imposed upon him of three years, the conviction imposed upon the appellant under Sections 323 and 326 of I.P.C. is maintained however, the sentence is modified and the appellant is sentenced to the period already undergone by him. He be released forthwith if not warranted in any other case.

The appeal is accordingly partly allowed.

Sd/-
DHIRENDRA MISHRA
Judge

[पीछे देखिये